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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,689	01/25/2007	Richard Percy	2105-00021	7022
26753 7590 03/04/2010 ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202				
EXAMINER BROMELL, ALEXANDRIA Y				
ART UNIT 2167		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/547,689

Applicant(s)

PERCY, RICHARD

Examiner

ALEXANDRIA Y. BROMELL

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 92 - 93 and 95 - 107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 92 - 93 and 95 - 107 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 92 – 93 and 95 – 107 are pending in this Office Action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 16, 2010 has been entered.

Response to Arguments

Applicant's arguments, see remarks, filed February 16, 2010, with respect to the rejection(s) under 35 U.S.C. 101 and 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kent A. Spackman et al. (U.S. Patent 6,438,533), hereinafter, "Spackman," in view of Daniel Larsson et al. (U.S. Patent 7,620,622), hereinafter, "Larsson."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 92, 96, 99, 103 – 104, and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent A. Spackman et al. (U.S. Patent 6,438,533), hereinafter, "Spackman," in view of Daniel Larsson et al. (U.S. Patent 7,620,622), hereinafter, "Larsson."

With respect to claim 92, Spackman teaches:

a database server (i.e. FIG. 2 illustrates the overall structure of the apparatus of the present invention. The user interface includes the above-described input and output devices. A record database is stored in the memory device. Access to the record database for input of encoded records is possible through a record keeping interface, column 6, lines 1 - 6, see Fig. 2),

wherein the database server stores codes, information, and links information stored or existing outside of the database server (i.e. The resulting set of electronic records comprises a database of records. The alphanumeric codes used in the patient/medical database are the same as the alphanumeric codes of the corresponding concepts of the terminology knowledge base. The expressions used in the database of

patient records use the same description language as the expressions used to define concepts in the terminology knowledge base, column 8, lines 59 - 65),

wherein each code comprises a plurality of alpha - numeric sub - codes in a hierarchical structure (i.e. alphanumeric codes are used with hierarchical data structures, column 2, lines 28 - 37), and wherein the codes are used for classifying information according to subject terms by encoding subject terms with codes (i.e. medical terms and codes are classified, column 1, lines 57 - 64, terms are encoded into one group, column 2, lines 39 - 51);

a network receiver, wherein the network receiver receives a code from a user's communication device via a wired or wireless network (i.e. a query manager receives queries and translates them into a format which can be processed by the system, column 3, lines 66 - 67);

a set of executable software code stored on the host system such that when the set of executable software code is executed by a processor included in the host systems, the code received by the user is recognized as a request for information, is parsed, and information is retrieved from one or more databases or servers by using the links associated with the code received by the user (i.e. query is submitted to identify which concepts in the records are similar to terms in the terminology knowledge base, column 10, lines 53 - 63); and

a transmitter, wherein the retrieved information is transmitted via the wired or wireless network to the user's communications device over a network (i.e. retrieved information, or output, is transmitted to a device, column 5, lines 52 - 67).

Spackman does not explicitly teach that the database server stores codes, information, and links to internet based information stored or existing outside of the database server as claimed.

However, Larsson teaches that if users desire to access information records, some records may be accessed over servers in the form of html pages, where the web pages contain links to data records (column 2, lines 43 - 51). In addition, links to data outside the system may be created using a spider, so that after data is extracted, a corresponding URL may be indexed and stored for retrieval (column 4, lines 48 - 67).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman with the teachings of Larsson in order to create links to data outside the system so that a URL may be indexed and stored for retrieval (column 4, lines 48 - 67).

With respect to claim 96, Spackman teaches that wherein all of said sub-codes have the same data structure (i.e. the same codes are used for similar data structures for strict hierarchies, column 2, lines 28 - 38).

With respect to claim 99, Spackman teaches wherein the sub-codes and/or codes are used to navigate to desired or associated links or information (i.e. information can be retrieved based on the hierarchical links of concepts, column 14, lines 28 - 34).

With respect to claim 103, Spackman teaches wherein one or more of said codes are distributed together with information and/or products (i.e. codes are available in the knowledgebase to link concepts, column 7, lines 1 - 9).

With respect to claim 104, Spackman teaches wherein an indexing function is provided at each level of said hierarchical structure (i.e. indexing is done to receive and store record information, column 2, lines 3).

With respect to claim 107, Spackman teaches wherein codes complemented by subject-terms are used to search for, access or receive information (i.e. query is submitted to identify which concepts in the records are similar to terms in the terminology knowledge base, column 10, lines 53 - 63).

Claims 93, 95, 97 – 98, 100 – 102, and 105 – 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent A. Spackman et al. (U.S. Patent 6,438,533), hereinafter, "Spackman," in view of Daniel Larsson et al. (U.S. Patent 7,620,622), hereinafter, "Larsson," in view of ACM ("The ACM Computing Classification System (1998)", December 1998, pages 1 - 30).

With respect to claim 93, the combination of Spackman and Larsson does not explicitly disclose that a code comprising n sub – codes provide for n levels in the hierarchical structure as claimed.

However, ACM teaches wherein a code comprising n sub-codes provide for n levels in the hierarchical structure (i.e. bullet A: General Literature, has 4 levels of sub-codes in the hierarchical structure, subcode 0, 1, 2, and m , page 1).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman and Larsson with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

Therefore, it would have been obvious to combine ACM with Spackman to obtain the invention as specified in the instant claims.

With respect to claim 95, the combination of Spackman and Larsson does not explicitly disclose that said sub- codes comprise a two digit code as claimed.

However, ACM teaches wherein said sub- codes comprise a two digit code (i.e. sub-codes may be made up of two digits, see I.2.10, with 10 being the sub-code, page 22).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman and Larsson with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

With respect to claim 97, the combination of Spackman and Larsson does not explicitly disclose that the codes include a sequence of one or more of said numeric or alpha – numeric sub - codes as claimed.

However, ACM teaches wherein the codes include a sequence of one or more of said numeric or alpha-numeric sub-codes (i.e. codes include at least one alpha-numeric or numeric sub-code, A.2 or A.m, page 1).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman and Larsson with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

With respect to claim 98, the combination of Spackman and Larsson does not explicitly disclose that the codes include a sequence of two digit sub - codes as claimed.

However, ACM teaches wherein the codes include a sequence of two digit sub-codes (i.e. sub-codes may be made up of two digits, see I.2.10, with 10 being the sub-code, page 22).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman and Larsson with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

With respect to claim 100, the combination of Spackman and Larsson does not explicitly disclose that each of the sub – codes at each level of the hierarchical structure is associated with a certain subject term as claimed.

However, ACM teaches wherein each of the sub-codes at each level of the hierarchical structure is associated with a certain subject-term (i.e. nodes at each level in the hierarchy are associated with a certain subject, the subject for B.1.1 is control Design Styles, page 1).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman and Larsson with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

With respect to claim 101, the combination of Spackman and Larsson does not explicitly disclose that the codes consist solely of a combination of said sub - codes as claimed.

However, ACM teaches wherein the codes consist solely of a combination of said sub-codes (i.e. A. General Literature, is a combination of alpha and numeric sub codes to produce A.0, A.1, A.2, and A.m, page 1).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman and Larsson with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

With respect to claim 102, the combination of Spackman and Larsson does not explicitly disclose i) to the subject-term associated with said particular code if the code includes a single sub-code or ii) to all subject-terms associated with all sub-codes of said particular code if the code includes more than one sub-code as claimed.

However, ACM teaches wherein information assigned a particular code relates either: i) to the subject-term associated with said particular code if the code includes a single sub-code (i.e. A.1 includes only one single sub-category, page 1), or ii) to all subject-terms associated with all sub-codes of said particular code if the code includes more than one sub-code (i.e. B.1.4 also includes D.2.2, D.2.4, D.3.2, and D.3.4, page 1).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman and Larsson with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

With respect to claim 105, the combination of Spackman and Larsson does not explicitly disclose that at each level of said hierarchical structure data related to subject-terms associated with the sub-codes are available upon entering a particular sub-code as claimed.

However, ACM teaches wherein at each level of said hierarchical structure data related to subject-terms associated with the sub-codes are available upon entering a

particular sub-cod (i.e. when you access B.1.1, Control Design Styles, you also have access to Hardwired Control, Microprogrammed Logic arrays, and Writable Control Store, page 1).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman and Larsson with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

With respect to claim 106, the combination of Spackman and Larsson does not explicitly disclose that one or more of the sub-codes are converted into the associated subject-terms as claimed.

However, ACM teaches wherein one or more of the sub-codes are converted into the associated subject-terms (i.e. sub codes correspond with the section titles or categories, for example, everyone would know that B.1.5 deals with Microde Applications, page 1).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Spackman with the teachings of ACM in order to show a detailed view of how the documents are classified (ACM, page 1).

Conclusion/Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDRIA Y. BROMELL whose telephone number is (571)270-3034. The examiner can normally be reached on M - R 9 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexandria Y Bromell/
Examiner, Art Unit 2167
February 24, 2010

/Shahid Al Alam/
Primary Examiner, Art Unit 2162